

EXHIBIT “E”

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

DARRELL A. BRITTINGHAM

Plaintiff

vs.

JOSEPH E. McGEENEY, et al

Defendants

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Civil No.: 02 CV 4055 SKG

CERTIFICATE REGARDING DISCOVERY

TO THE CLERK:

PLEASE TAKE NOTE that on April 27, 2004, the Plaintiff in the above-captioned matter, by and through undersigned counsel, served, via regular first-class mail, postage prepaid, to Michael T. Hamilton, Esquire, Marks, O'Neill, O'Brien & Courtney, The Bonaparte Building, 8 East Mulberry Street, Baltimore, Maryland 21202, Attorney for Defendants McGeeney & Town of Centreville., the following material:

TYPE OF DISCOVERY:

Plaintiff's Response to Requests for Admissions of Joseph McGeeney and Town Council of Centerville.

McCARTHY & COSTELLO, L.L.P.

By: 

MICHAEL L. SANDUL

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PLAINTIFF'S RESPONSE TO DEFENDANTS
McGEENEY AND THE TOWN COUNCIL OF CENTREVILLE'S
REQUESTS FOR ADMISSIONS

The Plaintiff, Darrell A. Brittingham, by and through his attorneys, Michael L. Sandul and McCarthy & Costello, L.L.P., in response to the Requests for Admissions of Defendants McGeeney and The Town Council of Centreville, hereby states as follows:

REQUEST NO. 1: On December 18, 1999, I, Darrell A. Brittingham, arrived at Dover Downs Racetrack with my uncle at approximately 9:00 p.m.

RESPONSE: Admitted.

REQUEST NO. 2: Dover Downs Racetrack is a facility which maintains slot machines and serves alcohol beverages.

RESPONSE: Admitted.

REQUEST NO. 3: While at Dover Downs, I, Darrell Brittingham, consumed alcohol beverages.

RESPONSE: Admitted.

REQUEST NO. 4 : I, Darrell A. Brittingham, left Dover Downs Racetrack at approximately 12:30 a.m. on December 19, 1999.

RESPONSE: Admitted.

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REQUEST NO. 5: Prior to the alleged incident occurring on December 19, 1999, I, Darrell A. Brittingham, had a prior physical condition which caused me to wobble when I walk.

RESPONSE: Admitted.

REQUEST NO. 6: I, Darrell A. Brittingham, had never spoken to Joseph E. McGenney prior to the alleged incident occurring on December 19, 1999.

RESPONSE: Admitted.

REQUEST NO. 7: To my knowledge, Joseph McGenney has never had a reason to hate me or view me with any particular malice.

RESPONSE: Objection. The Plaintiff can neither admit nor deny this Request because it calls for him to read Mr. McGenney's thoughts

REQUEST NO. 8: Prior to the incident in question, I, Darrell A. Brittingham, had left Dover Downs Racetrack and driven my uncle to his home which is located in Wye Mills, Maryland.

RESPONSE: Admitted.

REQUEST NO. 9 : When, I, Darrell A. Brittingham, arrived upon Brown Street immediately prior to the alleged incident, Joseph McGenney was in the process of arresting two male African-American.

RESPONSE: Denied, but the Plaintiff admits that two individuals were already arrested.

REQUEST NO. 10: Upon my arrival upon Brown Street immediately prior to the alleged incident, I, Darrell A. Brittingham, noticed a large crowd of African-Americans gathered.

RESPONSE: The Plaintiff denies that there was a "large crowd" of African Americans gathered, but does admit that there were some African-Americans present.

REQUEST NO. 11: I, Darrell A. Brittingham, exclaimed, "Those fucking niggers are throwing bottles at my car" upon arriving on Brown Street immediately prior to the alleged incident.

RESPONSE: Denied.

REQUEST NO. 12: I, Darrell A. Brittingham, was found guilty of disorderly conduct and driving at excessive speed by the Honorable Floyd L. Parks on March 17, 2000.

RESPONSE: The Plaintiff admits that he was found guilty of disorderly conduct and driving at a speed greater than reasonable for the conditions then and there existing.

REQUEST NO. 13: I, Darrell A. Brittingham, was never punched or kicked by Joseph McGeeney during the alleged incident occurring on December 19, 1999.

RESPONSE: Admitted.

REQUEST NO. 14: The force used by Joseph McGeeney during the incident in question was reasonable and necessary to properly effectuate the arrest and in no way constituted excessive force.

RESPONSE: Denied.

REQUEST NO. 15: After Joseph McGeeney placed me within the police car, I, Darrell A. Brittingham, continued to thrash in the backseat, to such an extent the officers placed leg restraints on me.

RESPONSE: The Plaintiff denies that he thrashed before the incident but does admit that he thrashed about after being placed in the vehicle.

REQUEST NO. 16: While in the backseat of the police car after the alleged incident, I, Darrell Brittingham, was told by Officer Greene specifically to "calm down."

RESPONSE: Admitted.

REQUEST NO. 17: I, Darrell A. Brittingham, received in 1995.

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RESPONSE: Admitted.

McCARTHY & COSTELLO, L.L.P.

By: 

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